

AMENDMENTS TO THE DRAWINGS:

The replacement drawing sheet including Figs. 3 and 4 should replace the original drawing sheet including Figs. 3 and 4.

The replacement drawing sheet including Fig. 5 should replace the original drawing sheet including Fig. 5.

Figs. 3, 4 and 5 are amended to include the "PRIOR ART" designation.

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and the following remarks.

The drawings, specification and claims are amended so as to address the issues raised in paragraphs 1 – 14 of the Official Action. Withdrawal of the objections to the drawings, specification and claims, and of the claim rejections under 35 U.S.C. § 112, second paragraph is therefore respectfully requested.

Claim 1, the only pending independent claim, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Application Publication No. 2003-95226, hereinafter Moriyama, in view of Japanese Application Publication No. 03-69423, hereinafter Kojima. That rejection is respectfully traversed.

Moriyama discloses a filling machine having a paper powder removing device 31. As illustrated in Fig. 1, air is supplied through a supply line 32 and returned through a return line 33. The return line 33 is positioned within the supply line 32 and opens up to the interior of the container at an outwardly flared opening. The supply line 32 opens up to the interior of the container at the perimeter of the outwardly flared opening.

Kojima discloses a filling machine having a matter removing function. As illustrated in Fig. 6, air is supplied through a supply line 42 and returned through a return line 41. The supply line 42 is positioned within the return line 41 and opens up to the interior of the container at a nozzle 42a.

The Official Action appears to take the position that Moriyama's outwardly flared opening corresponds to a paper powder return prevention mechanism. The Official Action also takes the position that an ordinarily skilled artisan would have

been motivated to reverse the functions of Moriyama's supply line 32 and return line 33, in view of Kojima's disclosure of a supply line 42 positioned within a return line 41, so as to "more effectively remove paper powder from the inner bottom surface of the carton". Applicants respectfully disagree.

Neither Moriyama nor Kojima discloses or suggests that a supply line of their field of endeavor should include such an outwardly flared opening. Indeed, both Moriyama and Kojima are interested in supplying air through much smaller openings than the outwardly flared opening of Moriyama's return line 33. Kojima's air is supplied at the nozzle 42a, as discussed above. In Moriyama, it appears the outwardly flared portion of the return line 33 may be used to direct the flow from the supply line 32 to impinge on the sides of the container. Thus, an ordinarily skilled artisan would have had no reasonable expectation of success in reversing the functions of Moriyama's lines 32 and 33, particularly with respect to employing an outwardly flared opening on the new supply line. Certainly, there is no disclosure in either Moriyama or Kojima indicating that the outwardly flared opening would function as a paper powder return prevention means as claimed.

It is difficult to discuss the disclosures in the Japanese references absent accurate English translations, and so it is difficult to ascertain what basis, if any, exists for the combination discussed in the Official Action. In the event the Examiner continues to rely on the Moriyama and Kojima references, it is respectfully requested that human translations of those references be provided.

Even assuming for the sake of argument that a reasonable basis exists for the asserted combination, Claim 1 is amended to differently define the originally claimed

subject matter, thus further patentably distinguishing the powder removing apparatus at issue here over the asserted combination.

Specifically, amended Claim 1 recites a carton paper powder removing apparatus including, among other elements, a paper powder removing nozzle adapted to reciprocate from an upper opening part of the bottomed tubular carton toward the inside of the carton and having a jetting port at a tip part of the nozzle, the nozzle possessing a nozzle outer wall, and the nozzle being positioned so that during operation of the machine a space exists between the nozzle outer wall and an inner wall of one of the cartons, and a paper powder collecting mechanism having air suction ports disposed above the space and facing the space, whereby the paper powder in the carton can be removed. The asserted combination of Moriyama and Kojima would not include a paper powder removing nozzle and a paper powder collecting mechanism as recited, in combination with the other recited elements of Claim 1.

Accordingly, Claim 1 is allowable over Moriyama in view of Kojima, and withdrawal of the rejection of Claim 1 is respectfully requested.

The dependent claims are allowable at least by virtue of their dependence from allowable independent claims. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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